

Some comment and some criticism are necessarily called to an article which appears in this issue of the

**GOOD WORK.** JOURNAL from the pen of Dr. Crawshaw, of Hanford. But in the first instance we must commend most highly

Dr. Crawshaw's efforts in the matter of the prosecution of an illegal practitioner, a Chinaman, in Hanford. It is energy of this sort that goes to make a better standard and to secure from the public more respect for the medical profession. Dr. Crawshaw, however, like probably 99% of physicians, is somewhat in the dark as to the facts involved; it is easy to say "let us do so-and-so," but when you come down to the practical side of it, it is not so easy to determine just *what* to do or *how* to do it. As pointed out in a report from the Board of Examiners, read at the recent meeting of the State Society by Dr. Barbat, there has never been any systematic effort made to prosecute illegal practitioners or prevent their beginning practice, and this is true of the whole period from 1876 to date. It was in 1907 that the duty of upholding the medical practice act was placed in the hands of the Board of Examiners; up to that time the law had made it the duty of local prosecuting officials who, of course, did not know anything about the law and so never prosecuted. After 1907 the board, while required to uphold the law, was given no means by which to do so and thus the possible activity of the board as such was negated. All its income was consumed in defending suits against the law. In spite of that fact, and through the personal energy of certain individual members of the board, considerable sporadic work in the direction of the prosecution of illegal practitioners was performed during 1907, 1908 and 1909. Such work, however, is, in the long run, of little value for it stops with the loss of interest of the individual; to be effective, the effort should be continuously sustained. Some one in every county of the state must ever be on the watch for violations of the law; that seems to be obvious. It also seemed to the board, last August, that the best possible arrangement would be to secure the co-operation of county medical societies for this purpose, and therefore the first letter from Dr. Tisdale to Dr. Crawshaw was to that effect. There was nothing new about it; for some years various county medical societies had been helping in the work. It is not always safe to condemn without due consideration, and Dr. Crawshaw's letter of July 30th reached the office of the Board of Examiners just at a time when it is the busiest—preparing for the heavy August examination, and everybody is swamped with work; letters sometimes have to wait before they are answered.

It has been pointed out more than once in the JOURNAL that few lawyers and almost no physicians really know anything about the medical practice law or the decisions pertaining to it. That is true of most prosecuting officers. It has been decided by the Supreme Court of this state that a license to practice medicine is not a piece of property belonging to the licensed physician; it is merely a police permit, subject to revocation at any time.

In consequence it is not a duty of the Board of Examiners to prove that John Doe is *not* licensed, but it is the duty of John Doe to prove that he *is* licensed by producing a certificate if he has one; failing this he is an illegal practitioner. Ignorance of this decision (known as the Boo Doo Hong case) occasionally leads a prosecuting attorney to subpoena the board to produce the records in court and show that the accused is not licensed. This is wrong because the records are most valuable, are constantly needed in the office and furthermore should never be subjected to the possible danger of loss or damage in transporting them from place to place. The records of the office show that all correspondence in this case of Dr. Crawshaw's was properly attended to. The matter was referred to the attorney for the Board of Examiners and he reported that the local prosecuting attorney was doing everything necessary and was quite willing to attend to the case. What more could be asked? Dr. Crawshaw exhibits a great deal of righteous indignation that the proposition should have been made to get some young lawyer and pay him the fine assessed. He evidently does not know that practically every prosecution in the state has been done and paid for in exactly that way and that the arrangement is entirely satisfactory to every attorney who has done the work. There is nothing "extraordinary" about it and there are plenty of lawyers of large "calibre" who are quite willing to do the work on that basis. Dr. Crawshaw's plea to each and every practitioner in the state "to get busy" is good; if they will all do so and petition the legislature in no uncertain manner for a small appropriation to carry on the work, a great deal can be done; without funds or machinery the board is helpless. The machinery is now in process of construction and in a few months will be in condition to begin operating; but it takes time to build up something that will cover the entire state and that will continue in operation and not work merely spasmodically and sporadically.

The worst offenders are not the few men who have settled down here and there and are practicing

#### THE WORST QUACKS.

without a license; they are the licensed physicians who have chosen to prostitute their profession to quackery. Dr. Crawshaw refers to Fer Don, a notorious advertising quack; but this man is always able to find some licensed physician to travel around with him and write prescriptions, etc. Once or twice it has happened that evidence against him was secured, but then it developed that the victims would not prosecute on account of the trouble and publicity. And so the board is condemned in that instance, when no blame should attach to it. A good deal of complaint has come in about Chamlee, the advertising cancer-cure quack. But this man also is a licensed physician and some years ago the board attempted to revoke his license on account of his advertising. The case was appealed to the Supreme Court of the state and the board was not sustained, the court holding that the advertisements of Chamlee were within his legal rights. Still, a great many people, not knowing